

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERALD WILLIAMS,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

19-CV-6848 (JMF)

13-CR-580-4 (JMF)

ORDER OF DISMISSAL

JESSE M. FURMAN, United States District Judge:

Movant Gerald Williams, currently incarcerated in FCI Raybrook, brings this *pro se* motion under 28 U.S.C. § 2255 challenging the legality of his sentence entered in *United States v. Williams*, No. 13-CR-580-4 (JMF) (S.D.N.Y. Oct. 22, 2014), ECF No. 178. On August 5, 2019, the Court ordered Williams to show cause within sixty days — a deadline later extended to January 14, 2020, *see* 13-CR-580-4, ECF Nos. 276 & 281 — why his motion should not be denied as time-barred. *See* 13-CR-580-4, ECF No. 276. The Court warned: “If Williams fails to comply with this Order, the motion will be denied as time-barred without further notice to the parties.” *Id.* at 3. To date, Williams has not responded to the order to show cause.

In light of the foregoing, and for the reasons stated in the Court’s Order of August 5, 2019, Williams’s petition is DENIED as time-barred. Further, because Williams has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate 13-CR-580-4, ECF No. 275 and to close 19-CV-6848. All conferences are cancelled. All motions are moot.

SO ORDERED.

Dated: January 21, 2020
New York, New York



JESSE M. FURMAN
United States District Judge